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| UNITED STATES BANKRUPTCY COURT<br>DISTRICT OF NEW JERSEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                               |
| <b>Caption in Compliance with D.N.J. LBR 9004-2(c)</b><br><br>Stern Lavinthal & Frankenberg LLC<br>Maria Cozzini, Esq.<br>105 Eisenhower Parkway - Suite 302<br>Roseland, NJ 07068<br>Telephone Number (973) 797-1100<br>Telecopier Number (973) 228-2679<br>Email: mcozzini@sternlav.com<br>Attorneys for Secured Creditor,<br>Nationstar Mortgage LLC d/b/a Mr. Cooper as<br>servicing agent for U.S. Bank National<br>Association, as Trustee for Lehman Xs Trust<br>Mortgage Pass-Through Certificates, Series 2007-<br>16N |                                                                                               |
| In Re:<br><br>Henry Casanova<br><br>Debtor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Case No.: 18-22020-SLM<br><br>Chapter: 13<br><br>Hearing Date:<br><br>Judge: Stacey L. Meisel |

### **OBJECTION TO DEBTOR'S NOTICE OF REQUEST FOR LOSS MITIGATION**

Maria Cozzini, Esq., hereby certifies as follows:

1. I am attorney at law of the State of New Jersey, associated with the law firm of Stern, Lavinthal & Frankenberg LLC, attorneys for Nationstar Mortgage LLC d/b/a Mr. Cooper as servicing agent for U.S. Bank National Association, as Trustee for Lehman Xs Trust Mortgage Pass-Through Certificates, Series 2007-16N, (hereinafter "Secured Creditor"). I am fully familiar with the facts and circumstances of the within matter and am authorized to make this Certification on behalf of the Secured Creditor in opposition to the Debtor's Notice of Request for Loss Mitigation on grounds including:

1. Secured Creditor holds the first mortgage lien on Debtor's real property located at 488 Victor Street, Saddle Brook NJ 07663 (hereinafter the "Property").
2. Debtor filed the within Chapter 13 Bankruptcy petition on June 14, 2019.
3. On June 18, 2018, Debtor filed a Plan providing that arrears due to the secured creditor would be satisfied through plan payments. (Docket No. 9).
4. Modified Plan was filed on April 23, 2019 that provided for a loan modification to cure post –petition arrears. (Docket No.51).
5. On May 22, 2019, Debtor filed a Notice of Request for Loss Mitigation regarding the mortgage with Mr. Cooper.
6. Attached hereto as Exhibit A is a denial letter for loan modification assistance dated May 24, 2019, which was sent to the Debtor's attorney. Debtor was denied a loan modification due to "insufficient payment reduction." Since the Creditor could not reduce the amount of the principal or interest payment, the Debtor was determined to be ineligible for loan modification assistance.
7. Attached to the Proof of Claim are copies of the loan documents, including Note. Mortgage, assignments of mortgage, and prior loan modification agreement. . (Claim No. One).
8. Original principal amount provided in the Note was \$440,000, which was dated July 3, 2007.
9. Loan Modification was entered on July 13, 2013. The amount of \$199,033.95 was capitalized for a new modified principal balance of \$657,483.51 (from the initial \$440,000.00 provided in the Note). . From the modified principal balance, the amount of \$367,999.51 was interest bearing. The amount of \$289,484.00 was

deferred and non-interest bearing. The interest rate started at 2%, increased to 3% as of July 1, 2018, and will increase to 4% as of July 1, 2019. The Note maturity date was extended from July 1, 2037 to September 1, 2049.

10. In reviewing the Debtor for loss mitigation, the Creditor determined that it could not modify the loan and reduce the principal or interest payment. If there is no possible reduction in the payment amount, the borrower does not qualify for loan modification assistance.

11. In view of the foregoing, the Creditor objects to the Debtor's request for loan modification assistance and respectfully requests that the Court deny the Creditor's application. Any further loan modification review would be futile and would not result in a modification for the reasons stated above.

WHEREFORE, Secured Creditor respectfully requests the Notice of Request for Loss Mitigation be denied.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Stern, Lavinthal & Frankenberg, LLC

/s/ Maria Cozzini, Esq.

Maria Cozzini, Esq.

Attorneys for the Secured Creditor,

Nationstar Mortgage LLC d/b/a Mr. Cooper

Dated: June 4, 2019

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| UNITED STATES BANKRUPTCY COURT<br>DISTRICT OF NEW JERSEY                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                               |
| <b>Caption in Compliance with D.N.J. LBR 9004-2(c)</b>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                               |
| Stern Lavinthal & Frankenberg LLC<br>Maria Cozzini, Esq.<br>105 Eisenhower Parkway - Suite 302<br>Roseland, NJ 07068<br>Telephone Number (973) 797-1100<br>Telecopier Number (973) 228-2679<br>Email: mcozzini@sternlav.com<br>Attorneys for Secured Creditor,<br>Nationstar Mortgage LLC d/b/a Mr. Cooper as<br>servicing agent for U.S. Bank National<br>Association, as Trustee for Lehman Xs Trust<br>Mortgage Pass-Through Certificates, Series 2007-<br>16N |                                                                                               |
| In Re:<br><br>Henry Casanova<br><br>Debtor                                                                                                                                                                                                                                                                                                                                                                                                                        | Case No.: 18-22020-SLM<br><br>Chapter: 13<br><br>Hearing Date:<br><br>Judge: Stacey L. Meisel |

### CERTIFICATION OF SERVICE

1. I, Ben Boufford

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Stern, Lavinthal & Frankenberg, LLC, who represents the Secured Creditor in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On June 5, 2019, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below: **OBJECTION TO DEBTOR'S NOTICE OF REQUEST FOR LOSS MITIGATION**

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: June 5, 2019

/s/Ben Boufford

| Name and Address of Party Served                                                                            | Relationship of Party to the Case | Mode of Service                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Henry Casanova<br>488 Victor Street<br>Saddle Brook, NJ 07663                                               | Debtor                            | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |
| Ronald I. LeVine<br>210 River Street<br>Suite 11<br>Hackensack, NJ 07601                                    | Debtor's Counsel                  | <input type="checkbox"/> Hand-delivered<br><input type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |
| Marie-Ann Greenberg<br>Chapter 13 Standing Trustee<br>30 Two Bridges Rd<br>Suite 330<br>Fairfield, NJ 07004 | Chapter 13 Trustee                | <input type="checkbox"/> Hand-delivered<br><input type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |
|                                                                                                             |                                   | <input type="checkbox"/> Hand-delivered<br><input type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *)            |

\*May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.

05/24/2019



8950 Cypress Waters Blvd.  
Coppell, TX 75019



**OUR INFO**

ONLINE

[www.mrcooper.com](http://www.mrcooper.com)

**YOUR CLIENT'S INFO**

DEBTOR(S)

**HENRY CASANOVA**

CASE NUMBER

**1822020**

LOAN NUMBER



PROPERTY ADDRESS

**488 VICTOR ST**

**SADDLE BROOK, NJ 07663**

RONALD I. LEVINE  
210 RIVER ST STE 11  
HACKENSACK NJ 07601

Dear RONALD I. LEVINE:

Our records indicate that you represent Henry Casanova (hereinafter "your client") in the above-referenced Bankruptcy proceeding.

The enclosed letter is intended for your client. We have sent this letter to you because of the attorney/client relationship and the above-referenced loan is presumably a subject of your legal representation. Therefore, we consider service of the attached letter as service to your client.

At your earliest convenience, please review the attached and forward to your client.

If you or your client have any questions, your client(s) Dedicated Loan Specialist is Kristi Berry and can be reached at (866)-316-2432 or via mail at the address listed above. Our hours of operation are Monday through Thursday 7 am to 8 pm (CT), Friday 7 am to 7 pm (CT) and Saturday 8 am to 12 pm (CT).

Sincerely,

Mr. Cooper

Enclosure(s)



05/24/2019



8950 Cypress Waters Blvd.  
Coppell, TX 75019

**OUR INFO**

ONLINE

[www.mrcooper.com](http://www.mrcooper.com)**YOUR INFO**

DEBTOR(S)

**HENRY CASANOVA**

CASE NUMBER

**1822020**

LOAN NUMBER

PROPERTY ADDRESS

**488 VICTOR ST****SADDLE BROOK, NJ 07663**

HENRY CASANOVA  
488 VICTOR ST  
SADDLE BROOK, NJ 07663

Dear HENRY CASANOVA:

We have reviewed your application for mortgage assistance. Please find a summary of the programs for which you were evaluated below, based on the eligibility requirements of U.S. Bank N.A., the owner/guarantor/trustee of the mortgage loan. U.S. Bank N.A. requires us to review your application for the options available to you in a certain order. This means that if you are approved for an option higher in the order, you may not qualify for options that are lower down on the list.

Please note that we have reviewed you for options that would allow you to keep the property and for options that would mean that you would not keep the property. Although you may have requested a specific loss mitigation option, we have evaluated you for all other available options to ensure you have sufficient information to make an informed decision.

- **Proprietary Modification** - Declined
- **Short Sale** - Conditionally Approved
- **Deed In Lieu** - Conditionally Approved

Detailed information about the available loss mitigation programs and our analysis of your eligibility are provided below. You may find you are approved, or conditionally approved, for several different options. If you are eligible for more than one option, you may only accept one offer. Please note the deadlines to respond to each offer because if you do not respond in time, we will treat that as a rejection of the offer. To appeal a modification denial, you must appeal by the specified deadline.

Please be sure to read the instructions related to each option carefully. Please note that, unless specified otherwise, the instructions in each section relate only to the option discussed in that section.

**I. Retention Option:** Retention options allow a borrower to continue to make payments and remain in the property.

**A. Modification:** A modification changes the terms of the loan to cure past-due amounts and usually provides for more affordable payments.

### **Modification Program Review**

You were evaluated for mortgage payment assistance based on the eligibility requirements of U.S. Bank N.A., but were declined for the following program(s).

- **Proprietary Modification** - Declined

Mr. Cooper is a brand name for Nationstar Mortgage LLC. Nationstar Mortgage LLC is doing business as Nationstar Mortgage LLC d/b/a Mr. Cooper. Mr. Cooper is a registered service mark of Nationstar Mortgage LLC. All rights reserved.

**Please be advised this communication is sent for informational purposes only and is not intended as an attempt to collect, assess, or recover a claim against, or demand payment from, any individual protected by the U.S. Bankruptcy Code. If this account has been discharged in a bankruptcy proceeding, be advised this communication is for informational purposes only and not an attempt to collect a debt against you; however, the servicer/lender reserves the right to exercise the legal rights only against the property securing the loan obligation, including the right to foreclose its lien under appropriate circumstances. Nothing in this communication shall be construed as an attempt to collect against the borrower personally or an attempt to revive personal liability.**

If you are a successor in interest (received the property from a relative through death, devise, or divorce, and you are not a borrower on the loan) that has not assumed, or otherwise become obligated on the debt, this communication is for informational purposes only and is not an attempt to collect a debt from you personally.



- **Denial Reason:** Insufficient Monthly Payment Reduction

We are unable to offer you a modification because in performing our underwriting of a potential modification we could not reduce your principal and interest payment.

Please note, as the servicer of the loan, we are responsible for responding to any questions related to investor requirements or the review of your request for assistance.

### **Right to Appeal**

You have the right to appeal the loan modification denial within 30 calendar days from the date of this notice. The appeal must be in writing, state that you are requesting an appeal of our decision, and must be sent to the mailing address below. You must include in the appeal your name, property address, and mortgage loan number. Please specify the basis for your dispute, and include any documentation you believe is relevant to the appeal, such as property valuation or proof of income.

Mr. Cooper  
Attn: Notice of Error/Request for Information  
PO Box 619098  
Dallas, TX 75261-9741

If you elect to appeal, we will provide you a written notice of our appeal decision within 30 calendar days of receiving your appeal. Our appeal decision is final, and not subject to further appeal.

**II. Non-Retention Option:** A non-retention option allows a borrower to transition out of their property without going through foreclosure. Non-retention options include Short Sales or Deeds-In-Lieu (sometimes known as a Mortgage Release)

**A. Short Sale:** This option permits a borrower to sell their home for less than the balance remaining on the mortgage loan. Depending upon applicable law and investor requirements, a borrower may or may not be required to pay funds to reduce the difference between the amount owed and the approved purchase price.

Based on a careful review of your information, we are offering you an opportunity to pursue a short sale subject to the conditions set forth below. A final decision on the short sale is contingent upon our review of the purchase contract and any applicable Investor requirements. If the purchase contract is acceptable, you will receive a written final approval and closing information. If the purchase contract is unacceptable, we will notify you that the Short Sale is not approved.

**If you are interested in selling your property through a Short Sale, please follow the steps below.**

1. Contact us at 866-316-2432 or in writing at PO Box 619097, Dallas, TX 75261 no later than 6/7/19 to indicate your intent to accept this offer to pursue a short sale. If you indicate your intent to accept this offer we will defer or suspend foreclosure action on your loan until 7/8/19 while you attempt to sell your home. If you do not contact us by 6/7/19 to accept this offer, and you have not accepted another loss mitigation option or appealed our denial of a modification, we may start or continue foreclosure and a foreclosure sale may occur.
2. If you have not already done so, you will need to contact a real estate agent and list the property for sale. If you wish us to work directly with your real estate agent or another party on your behalf, you will need to provide a Third Party Authorization to us. You can obtain a Third Party Authorization form on our website at [www.mrcooper.com](http://www.mrcooper.com).
  - If you need help finding a real estate agent, contact your Single Point of Contact (SPOC) who can refer you to a listing agent in your area.
3. If you have not already done so, have your real estate agent initiate a Short Sale case in Equator (our system of record) at [www.equator.com](http://www.equator.com) to start the Short Sale review.
4. If you have not already done so, have your real estate agent provide the following documents in Equator once they are available:
  - Third Party Authorization
  - Multiple Listing Service (MLS)
  - Listing Agreement
  - Purchase Agreement (if you have an offer)
  - Proposed Closing Disclosure or Settlement Statement (if you have an offer)
  - Buyer's Proof of Funds (if you have an offer)

Note: Based on Investor requirements, additional documentation may be required



We will review any offers that are received for acceptability. Please be prepared to allow access to the property for an interior valuation of your home.

In some cases, a short sale auction may be required as part of the evaluation process to either help find an offer or validate an offer you already have. If an auction is required, you will be given further information and asked to sign a Short Sale Auction Agreement.

If you are not able to obtain a purchase offer that is acceptable to us by 7/8/19, you may continue your short sale effort, but we may commence or continue foreclosure. We may review any purchase offer submitted, but only if there is adequate time to evaluate the offer prior to the foreclosure sale date.

**NOTE: Cancellation of debt may have tax consequences. Please consult your tax advisor to discuss potential tax consequences.**

**B. Deed-in-Lieu/Mortgage Release:** A Deed-in-Lieu, also called a "Mortgage Release", permits a borrower to voluntarily transfer the property to the owner of the mortgage to satisfy the debt. Depending upon applicable law and investor requirements, the borrower may be required to pay funds to reduce the difference between the amount owed on the loan and the value of the property being transferred.

Based on a careful review of your information, you have been conditionally approved to pursue a Deed-in-Lieu of foreclosure/Mortgage Release.

**If you are interested in transferring the property through a Deed-in-Lieu/Mortgage Release, please follow the steps below.**

1. Contact us at 866-316-2432 or in writing at PO Box 619097, Dallas, TX 75261 no later than 6/7/19 to indicate your intent to accept this offer to pursue a Deed In Lieu/Mortgage Release. If you indicate your intent to accept this offer we will not refer your loan to foreclosure, or if your loan has been referred to foreclosure, we will suspend the next action in the foreclosure proceedings. If you do not contact us by this date to accept this offer, and you have not accepted another loss mitigation alternative or appealed our denial of a modification, or if you accept but we are unable to complete the Deed In Lieu/Mortgage Release within 45 days of your acceptance, we may start or continue with the foreclosure process and a foreclosure sale may occur.
2. If you have not already done so, go to [https://www.mrcooper.com/reference\\_documents/statement\\_of\\_information.pdf](https://www.mrcooper.com/reference_documents/statement_of_information.pdf) to obtain a Statement of Information form. You can also contact your Single Point of Contact and you will be provided with a copy of the form. Make sure all Borrowers on the mortgage have completed, and signed the Statement of Information. Please submit the Statement of Information Form as soon as possible. This provides us with important additional information that we need to start the Deed-in-Lieu/ Mortgage Release final review.
  - o Online: [www.mrcooper.com](http://www.mrcooper.com)
  - o Email: [modification.assistance@mrcooper.com](mailto:modification.assistance@mrcooper.com)
  - o Fax: 214-488-1993
  - o Mail: Attn: Loan Modification Processing Unit -PO Box 619097, Dallas, TX 75261

This approval is conditioned upon a clear title, and if there are any junior lienholders, they must release their interest in the property. You and any other occupants will be required to vacate the property and must leave it in broom swept condition, free of trash, debris or damage, and all personal belongings must be removed. You will need to provide access so that we can conduct an interior inspection of the property. The completion of the Deed-in-lieu/Mortgage Release is still subject to investor and our guidelines.

**NOTE: Cancellation of debt may have tax consequences. Please consult your tax advisor to discuss potential tax consequences.**

**[Additional Information Related to All Loss Mitigation Options](#)**

A third-party appraisal or other written valuation was developed in connection with your application for loss mitigation. A copy of that valuation was sent to your mailing address. If you did not receive a copy, please contact us directly to request an additional copy.

**Visit us on the web at [www.mrcooper.com](http://www.mrcooper.com) for more information.**

**Notice: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is: Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.**

If you have any questions, your Dedicated Loan Specialist is Kristi Berry and can be reached at (866)-316-2432 or via mail at PO Box 619097, Dallas, TX 75261. Our hours of operation are Monday through Thursday 7 am to 8 pm (CT), Friday 7 am to 7 pm (CT) and Saturday 8 am to 12 pm (CT). Visit us on the web at [www.mrcooper.com](http://www.mrcooper.com) for more information.

Sincerely,

Mr. Cooper

**Notices of Error:**

If you believe an error has been made with respect to your mortgage loan, you should provide to us in writing the following information: Your name (and the name of the borrower, if you are an authorized third party), the loan account number, and the error you believe has occurred. To submit a notice of error, you must send this information to the following address:

Mr. Cooper  
Notice of Error/Request for Information  
PO Box 619098  
Dallas, TX 75261-9741

**Requests for Information:**

To request information regarding your account, you should provide to us in writing the following information: Your name (and the name of the borrower, if you are an authorized third party), the loan account number, and the information you are requesting with respect to your mortgage loan. To submit a request for information, you must send this information to the following address:

Mr. Cooper  
Notice of Error/Request for Information  
PO Box 619098  
Dallas, TX 75261-9741